

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Robert Langdon	Team: Team # 7	CCRB Case #: 200817922	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/10/2008 8:30 PM	Location of Incident: Emmons Avenue at East 15th Street	Precinct: 61	18 Mo. SOL 6/10/2010	EO SOL 6/10/2010	
Date/Time CV Reported Thu, 12/11/2008 5:49 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 12/11/2008 5:49 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Dannecker	01425	923735	NARCBBS
2. DT3 Wilson Sagardia	29107	929107	NARCBBS
3. SGT Terrell Anderson	29551	933551	083 PCT
4. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Dannecker	Abuse: Sgt. Michael Dannecker supervised the stop of the car in which § 87(2)(b) and an individual were occupants.	
B.DT3 Wilson Sagardia	Force: Det. Wilson Sagardia pointed his gun at § 87(2)(b)	
C.DT3 Wilson Sagardia	Abuse: Det. Wilson Sagardia drew his gun.	
D.SGT Terrell Anderson	Abuse: PO Terrell Anderson drew his gun.	
E.DT3 Wilson Sagardia	Abuse: Det. Wilson Sagardia refused to provide his name and shield number to § 87(2)(b)	
F.SGT Terrell Anderson	Abuse: PO Terrell Anderson refused to provide his name and shield number to § 87(2)(b)	
G.DT3 Wilson Sagardia	Abuse: Det. Wilson Sagardia searched § 87(2)(b) and § 87(2)(b)	
H. An officer	Abuse: An officer searched an individual.	
I.DT3 Wilson Sagardia	Abuse: Det. Wilson Sagardia threatened to arrest § 87(2)(b)	
J.DT3 Wilson Sagardia	Abuse: Det. Wilson Sagardia searched the car in which § 87(2)(b) and an individual were occupants.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On December 11, 2008, § 87(2)(b) filed a complaint with the CCRB via the call processing system. On December 10, 2008, § 87(2)(b) and an unidentified individual were pulled over by Sgt. Michael Dannecker, Det. Wilson Sagardia, and PO Terrell Anderson at Emmons Avenue and East 15th Street in Brooklyn. The following allegations resulted from the officers' actions:

- **Allegation A – Abuse of Authority:** Sgt. Michael Dannecker supervised the stop of the car in which § 87(2)(b) and an individual were occupants.
§ 87(2)(g)
- **Allegation B – Force:** Det. Wilson Sagardia pointed his gun at § 87(2)(b).
§ 87(2)(g)
- **Allegation C – Abuse of Authority:** Det. Wilson Sagardia drew his gun. § 87(2)(g)
- **Allegation D – Abuse of Authority:** PO Terrell Anderson drew his gun. § 87(2)(g)
- **Allegation E – Abuse of Authority:** Det. Wilson Sagardia refused to provide his name and shield number to § 87(2)(b). § 87(2)(g)
- **Allegation F – Abuse of Authority:** PO Terrell Anderson refused to provide his name and shield number to § 87(2)(b). § 87(2)(g)
- **Allegation G – Abuse of Authority:** Det. Wilson Sagardia searched § 87(2)(b) and § 87(2)(b). § 87(2)(g)
- **Allegation H – Abuse of Authority:** An officer searched an individual. § 87(2)(g)
- **Allegation I – Abuse of Authority:** Det. Wilson Sagardia threatened to arrest § 87(2)(b). § 87(2)(g)
- **Allegation J – Abuse of Authority:** Det. Wilson Sagardia searched the car in which § 87(2)(b) and an individual were occupants. § 87(2)(g)
- § 87(2)(g), § 87(4-b)
- § 87(4-b), § 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)

On January 8, 2009, § 87(2)(b) was interviewed at the CCRB (encl. 9). On December 10, 2008, at approximately 8:30 PM, § 87(2)(b) was on his way home with his friend § 87(2)(b) and § 87(2)(b)'s friend § 87(2)(b) whose last name he did not know. § 87(2)(b) was driving and they were in § 87(2)(b)'s car, a green Infiniti Q45 sedan with tinted windows and rims. § 87(2)(b) was in the backseat on the passenger's side and § 87(2)(b) was in the front on the passenger's side. There was a laundry bag on the backseat to § 87(2)(b)'s left. They had gone to the Roll-N-Roaster restaurant on Emmons Avenue in front of Bedford Avenue in Brooklyn.

§ 87(2)(b) stopped at a stoplight on Emmons Avenue at East 15th Street. § 87(2)(b) was stopped in the left lane with two lanes of traffic to the right and a lane of parked cars to the left. § 87(2)(b) saw in his rearview mirror that the car behind him, a silver Altima, had a red cherry light on. By the time § 87(2)(b) turned around, three officers in plainclothes were opening the doors of § 87(2)(b)'s car. The officer at § 87(2)(b)'s door was a dark-skinned male who was Indian or Hispanic, 5'11" tall or a little taller, slightly stocky, and had a baseball cap. He was identified through the investigation as PO Anderson. The officer at § 87(2)(b)'s door was a white male with brown hair and an average build, and who was 4'10" to 5'0" tall and thirty or a little older. He was identified through the investigation as Det. Sagardia. Det. Sagardia said, "You look high," "It smells like pot in here," "Where's the drugs," and "Where's the guns?" The third officer was a white male with blonde hair and an average build who was 5'10" to 5'11" tall and in his late thirties or forty. He was identified through the investigation as Sgt. Dannecker.

§ 87(2)(b) exited the car and was brought around to the back of the car by Det. Sagardia. Det. Sagardia then brought § 87(2)(b) out of the car and to the back of the car. § 87(2)(b) decided to get out of the car, but when he started to do so, PO Anderson said, "Don't go nowhere. Wait." At some point, § 87(2)(b) went to adjust his keys in his pocket, and the officers brought their guns out. PO Anderson told § 87(2)(b) to get out of the car, which § 87(2)(b) did. § 87(2)(b) said, "What's going on here?" One of the officers told him, "You just look over there and don't worry about it." One of the officers told § 87(2)(b) to stand at the back of the car along with § 87(2)(b) and § 87(2)(b). Det. Sagardia searched § 87(2)(b) by going through § 87(2)(b)'s pants pockets and his jacket without taking anything out. At this point, Sgt. Dannecker was standing nearby and holding § 87(2)(b)'s license, but § 87(2)(b) did not know how Sgt. Dannecker obtained it.

Det. Sagardia had begun searching § 87(2)(b)'s car. Det. Sagardia opened the console and glove compartment and took everything out. Det. Sagardia opened § 87(2)(b)'s laundry bag and took the clothes out. Det. Sagardia looked through the backseat. When asked if he saw this occur, § 87(2)(b) said that he saw Det. Sagardia leaning into the car and saw, when he returned to the car, that the above items had been tampered with. § 87(2)(b) heard the armrest moving and CDs being tossed about. Det. Sagardia went to the driver's door, then the back door on the driver's side, then the front door on the passenger's side, and then the back door on the

passenger's side. The officers told § 87(2)(b) not to look at the car and to look away while this was happening. The officers eventually told § 87(2)(b) and § 87(2)(b) that they could return to the car.

On December 22, 2008, § 87(2)(b) provided a telephone statement to the CCRB (encl. 8), which was consistent with his official statement. On January 12, 2009, the CCRB contacted § 87(2)(b) to ask some follow-up questions and § 87(2)(b) provided the following additions and clarifications (encl. 10). Det. Sagardia and PO Anderson had their guns drawn when they approached. When he exited the car, § 87(2)(b) asked Det. Sagardia and PO Anderson, "Can I have your names? Your IDs?" PO Anderson told § 87(2)(b) to shut up and Det. Sagardia said, "I'm not giving you no IDs. No names. You don't need it."

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b).

On January 21, 2009, § 87(2)(b) was interviewed at the CCRB (encl. 12). § 87(2)(b) is a § 87(2)(b). On December 10, 2008 at approximately 8:30 PM, § 87(2)(b) was with § 87(2)(b) and his friend § 87(2)(b) whose last name he did not know. They were in § 87(2)(b)'s car, which is a dark green 1994 Infiniti Q45, a four-door sedan. § 87(2)(b) was in the passenger's seat and § 87(2)(b) was in the backseat. The other seat had § 87(2)(b)'s laundry bag. § 87(2)(b) did not know of any other violations on his car; i.e., none of his lights were out. § 87(2)(b) and § 87(2)(b) had just finished eating at the Roll-N-Roaster restaurant in Sheepshead Bay. Approximately a block away from the Roll-N-Roaster, § 87(2)(b) stopped at a red light.

§ 87(2)(b) noticed a silver-gray Nissan Altima behind him with a small red "cherry" light flashing in its window on the center of the dashboard. When § 87(2)(b) turned to his side, there was a Hispanic male approaching who was approximately 5'8" tall and thirty years old with an average build. He was identified through the investigation as Det. Sagardia. Det. Sagardia was pointing his gun at § 87(2)(b) through the window of his car with both arms outstretched directly in front of him. The window was closed, but the gun was right up next to the glass. There were two officers, a white male in plainclothes who was approximately 5'11" tall and in his thirties with a skinny build, identified through the investigation as Sgt. Dannecker, and a black male in plainclothes who was approximately 5'11" or 6'0" tall and in his thirties with a stocky, muscular build, identified through the investigation as PO Anderson. PO Anderson and Sgt. Dannecker approached § 87(2)(b)'s and § 87(2)(b)'s doors. Det. Sagardia told § 87(2)(b) to put the car in park and get out, which § 87(2)(b) did. Det. Sagardia returned his gun to his holster. The officers told § 87(2)(b) and § 87(2)(b) to get out of the car as well. § 87(2)(b) did not recall if the other officers had their guns drawn as well. The officers told the civilians to stand behind the car and not to look toward the car.

Det. Sagardia patted § 87(2)(b) down, going around his chest, stomach, and shoulders, down his legs, and around his belt and sneakers. § 87(2)(b) and § 87(2)(b) were being patted down by the other officers on the other side of the car at the sides. Det. Sagardia went inside § 87(2)(b)'s pants and jacket pockets and took items out including his wallet and his house keys, which he put on § 87(2)(b)'s car. The officers searched all of the civilians. Det. Sagardia asked for § 87(2)(b)'s license, which § 87(2)(b) provided. Det. Sagardia looked at the license and returned it to § 87(2)(b). Det. Sagardia asked § 87(2)(b) what they were doing. § 87(2)(b) explained that they had just finished eating and had just come from the Roll-N-Roaster. § 87(2)(b) said that they even had some food in the car that they were

taking home, which § 87(2)(b) showed to the officer. Det. Sagardia said, “What were you guys doing, selling drugs and stuff, smoking pot?” § 87(2)(b) said, “No.” Det. Sagardia said that the car smelled like marijuana and said, “I can arrest you for that right now.” Det. Sagardia also said, “I’m going to call a search dog to come and search your vehicle,” and told § 87(2)(b) that they would come and look in the car and the dog would find the marijuana. § 87(2)(b) said, “Officer, if you really want to search it that bad, go ahead. I’ll give you the keys. You can open the trunk. Whatever you have to do.”

Det. Sagardia told them to face the officers’ car and not to look at the civilian’s car. Det. Sagardia went through § 87(2)(b)’s whole car and threw all of § 87(2)(b)’s stuff around. During this time, § 87(2)(b) had his back to his car’s rear bumper. The officer took the laundry out of the bag in § 87(2)(b)’s car. § 87(2)(b) did not actually see the Hispanic officer going through his car because he faced the other direction, but he heard the doors being opened and closed and the glove box being opened and closed. One of the officers told § 87(2)(b) that he was being pulled over because he had tinted windows. The entire incident lasted approximately thirty minutes. When § 87(2)(b) returned to the car, the central console was open, the magazines that were in the back were thrown all over the rear deck, and clothes were outside of the laundry bag.

On January 14, 2009, § 87(2)(b) provided a telephone statement to the CCRB (encl. 10). This statement was less detailed than, but largely consistent with his official statement. In this statement, § 87(2)(b) did not mention the officers drawing or pointing their guns or searching his person. He also did not mention Det. Sagardia saying, “I can arrest you for that right now.”

Attempts to Contact Civilians

Neither § 87(2)(b) nor § 87(2)(b) knew § 87(2)(b)’s last name. Between March 2, 2009 and March 26, 2009, the CCRB attempted to contact § 87(2)(b) at the number provided by § 87(2)(b) leaving a message each time. On March 20, 2009, the CCRB sent letters to § 87(2)(b) and § 87(2)(b) with enclosed letters to provide to § 87(2)(b) never responded to the CCRB’s attempts to contact him.

NYPD Statement(s):

Subject Officer: SGT. TERRELL ANDERSON

- Sgt. Anderson is a § 87(2)(b).
- On December 10, 2008, Sgt. Anderson worked from 1535 hours until 2400 hours. He was working with Det. Wilson Sagardia and Sgt. Michael Dannecker. He was assigned to narcotics. He was in plainclothes and was assigned to an unmarked vehicle.

Memo Book

Sgt. Anderson’s memo book for the incident date (encl. 13) contains no entries except for present for duty and end of tour.

CCRB Testimony

On April 15, 2009, Sgt. Terrell Anderson was interviewed at the CCRB (encl. 14). Sgt. Anderson was a police officer at the time of the incident, but was subsequently promoted to sergeant. Sgt. Anderson did not have any entries in his memo book regarding the incident.

Sgt. Anderson did not recall the incident that occurred on December 10, 2008 at approximately 8:30 PM. He did not recall conducting any car stops on that date. Sgt. Anderson stated that it was possible that he was conducting vehicle stops. He did not have any vehicle stops for that day listed in his memo book. He did not have any entries in his memo book within an hour before or after the incident time. Sgt. Anderson was informed that the vehicle in question was a green Infiniti Q45 sedan with three white/Hispanic males. Sgt. Anderson was shown photos of § 87(2)(b) and § 87(2)(b) but did not recognize either individual. Sgt. Anderson was shown the tactical plan for that date, but it did not help him recall the incident. He noted that he was assigned to a different team than the one he was usually assigned at the time of the incident. Sgt. Anderson is only vaguely familiar with the area of Emmons Avenue.

Subject Officer: DET. WILSON SAGARDIA

- Det. Sagardia is a § 87(2)(b).
- On December 10, 2008, Det. Sagardia worked from 1427 hours until 2300 hours. His assignment was narcotics and he was the arresting officer for that day. He was working with Sgt. Dannecker and PO Anderson. He was in plainclothes and assigned to an unmarked motor vehicle.

Memo Book

Det. Sagardia's memo book for the incident date (encl. 15) indicates that he was working with Sgt. Dannecker and was assigned to be the arresting officer. An entry at 7:50 PM indicates that he arrested two individuals at Emmons Avenue and East 21st Street. An entry at 8:20 PM indicates that one individual was under arrest at Mackenzie Street and Shore Boulevard. An entry at 9:00 PM indicates that one individual was under arrest at Shore Parkway and Ocean Parkway. There are no entries regarding the incident.

CCRB Testimony

On May 3, 2009, Det. Wilson Sagardia was interviewed at the CCRB (encl. 16). Det. Sagardia had no recollection of the incident that occurred at 8:30 PM on December 10, 2008. It was noted that the incident involved a vehicle stop of a green Infiniti Q45 sedan at Emmons Avenue and East 15th Street in Brooklyn and that three individuals who were white or Hispanic were inside the vehicle. Det. Sagardia was shown photos of § 87(2)(b) and § 87(2)(b) but did not recognize either individual. Det. Sagardia was shown the tactical plan, but did not recall the incident. He noted that he was working in a gray Nissan unless there was a change, which happens occasionally. Det. Sagardia had arrests at 7:50 PM at Emmons Avenue and East 23rd Street. He had arrests at 8:20 PM at MacKenzie and Shore Boulevard. Det. Sagardia noted that after arrests on that tour, he would have quickly returned to patrol, as the prisoner van would have apprehended the individual. Det. Sagardia stated that occasionally they don't have the opportunity to make memo book entries after incidents, but if he had conducted a vehicle stop, he would have noted it. Det. Sagardia did not know if he had conducted vehicle stops on that date and did not have any entries for vehicle stops in his memo book.

Subject Officer: SGT. MICHAEL DANNECKER

- Sgt. Dannecker is a § 87(2)(b).
- On December 10, 2008, Sgt. Dannecker worked from 1425 hours until 2300 hours. He was working with Det. Sagardia and PO Anderson. He was assigned to be the module supervisor for the § 87(2)(b), § 87(2)(e). That day they were conducting buy-and-bust operations within the confines of the 61st and 66th Precincts. He was in plainclothes and assigned to an unmarked motor vehicle, 9352, a gray Nissan Altima.

Memo Book

Sgt. Dannecker's memo book indicates that on the incident date (encl. 17) he was in a car with Det. Sagardia and PO Anderson, conducting buy-and-bust operations. There are no entries regarding the incident.

CCRB Testimony

On April 17, 2009, Sgt. Michael Dannecker was interviewed at the CCRB (encl. 18). Sgt. Dannecker did not recall the incident that occurred at approximately 8:30 PM on December 10, 2008. It was noted that the incident was a vehicle stop of a green Infiniti Q45 sedan with three white/Hispanic males with no arrest or summons. Sgt. Dannecker was shown photos of § 87(2)(b) and § 87(2)(b) but did not recognize either of them. Sgt. Dannecker explained that buy-and-bust operations involve undercover officers purchasing narcotics, after which the dealers are arrested. Sgt. Dannecker stated that the officers would also have been conducting vehicle stops on that tour. Sgt. Dannecker did not record any vehicle stops in his memo book for that tour. Sgt. Dannecker was shown the tactical plan, but did not recall the incident based on this. He was familiar with the incident location, Emmons Avenue and East 15th Street, and knew that Emmons Avenue was a target for narcotics enforcement, but could not say that anything happened at that location during that tour.

NYPD Document(s)

The tactical plan for Brooklyn South Narcotics' 61st/66th Precinct module (encl. 21) indicates that Sgt. Dannecker, Det. Sagardia, and PO Anderson were patrolling in a gray Nissan. The tactical plan lists Emmons Avenue as a target enforcement location and lists "car stops" and "marijuana" under "Training."

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of December 15, 2009 with regard to the incident (encl. 25D).

§ 87(2)(b)

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 4).

Subject Officer(s) CCRB History

- Sgt. Dannecker has been a member of the service for ten years and there is one substantiated CCRB allegation against him. In CCRB case number 200304950, he received instructions for an improper search of person (encl. 3).
- Det. Sagardia has been a member of the service for eight years and there are no substantiated CCRB allegations against him (encl. 2).
- Sgt. Anderson has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 1).

Conclusion

Identification of Subject Officer(s)

Although none of the officers recalled the incident, § 87(2)(b) described the officers as a white male, a Hispanic male, and a black male in a silver-gray Nissan Altima. The Brooklyn South Narcotics tactical plan indicates that Sgt. Anderson, Sgt. Dannecker, and Det. Sagardia were a black male, white male, and Hispanic male working together in a gray Nissan Altima. Additionally, Det. Sagardia's memo book entries indicate that they were in the vicinity of Emmons Avenue at the time of the incident.

- The vehicle stop allegation was pleaded against Sgt. Dannecker because, in the absence of any officer statements regarding the incident, he was the ranking officer on the scene.
- The gun pointed allegation was pleaded against Det. Sagardia because § 87(2)(b) identified the Hispanic officer as the officer who pointed his gun.
- Gun drawn allegations were pleaded against all three officers, as § 87(2)(b) alleged that all three officers drew their weapons.
- § 87(2)(b) identified the Hispanic male as the officer who searched him. § 87(2)(b) identified the officers as a Hispanic or Indian male and two white males, but agreed that two officers were the same height and one was significantly shorter. § 87(2)(b) identified the shorter officer as the officer who searched him. Therefore, the search allegation was pleaded against Det. Sagardia.
- § 87(2)(b) identified the Hispanic male as the officer who threatened to arrest him, and therefore this allegation was pleaded against Det. Sagardia.
- § 87(2)(b) identified the shorter male officer and § 87(2)(b) identified the Hispanic male officer as the officer who searched the car. Therefore, the vehicle search allegation was pleaded against Det. Sagardia.

Investigative Findings and Recommendations

Allegation A - Abuse of Authority: Sgt. Michael Dannecker supervised the stop of the car in which § 87(2)(b) and an individual were occupants.

Allegation B – Force: Det. Wilson Sagardia pointed his gun at § 87(2)(b)

Allegation C – Abuse of Authority: Det. Wilson Sagardia drew his gun.

Allegation D – Abuse of Authority: PO Terrell Anderson drew his gun.

Allegation E – Abuse of Authority: Det. Wilson Sagardia refused to provide his name and shield number to § 87(2)(b)

Allegation F – Abuse of Authority: PO Terrell Anderson refused to provide his name and shield number to § 87(2)(b)

Allegation G – Abuse of Authority: Det. Wilson Sagardia searched § 87(2)(b) and § 87(2)(b)

The officers stated that they did not recall the incident. With only two civilian witnesses, it was impossible to determine what actually happened during the incident, whether any of the officers' alleged actions occurred, and if they did occur, the officers' reasons for taking them. It is

§ 87(2)(g)

Allegation H – Abuse of Authority: An officer searched an individual.

As detailed above, § 87(2)(b) did not respond to the CCRB's attempts to contact him. § 87(2)(g)

Allegation I – Abuse of Authority: Det. Wilson Sagardia threatened to arrest § 87(2)(b)

Allegation J – Abuse of Authority: Det. Wilson Sagardia searched the car in which
§ 87(2)(b) **and an individual were occupants.**

As in the above allegations, the investigation was unable to determine what happened during the incident. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date